

REMARKS/ARGUMENTS

Claims 1, 5, 7 and 9-11 have been amended. Claims 18-19 have been cancelled without prejudice. Claims 20-21 have been added.

Specification Objections

The paragraph on page 14 has been amended to remove the objected to redundancy.

Claim Objections

The claims have been amended to address all of the informality objections.

35 U.S.C. § 102(e) Rejections

Examiner rejected claims 1-19 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,687,238 (hereinafter "Soong"). The Applicant respectfully disagrees and submits the following in support of his position.

Soong is directed to a CDMA system that attempts to control the in-band to out-of-band signal strength ratio. In contrast, one embodiment of the present invention aims to allocate channels that are near the band edge to high signal quality users that can communicate using lower radiated power.

As such, claim 1 requires "based on the determination, assigning a first band-edge channel for communication between the first communication device and the second communication device." Soong does not teach or suggest

assigning designating band-edge channels and assigning them based on “communication performance,” as required by claim 1. Therefore, claim 1 is allowable over Soong. Claims 2-17 depend on allowable claim 1 adding further limitations, and are therefore also allowable over Soong.

Claims 18 and 19 have been canceled. New claim 20 includes limitations similar to those of allowable claim 1, and is therefore allowable over Soong for the same reasons. Claim 21 depends on allowable claim 20 adding further limitations, and is therefore also allowable over Soong.

35 U.S.C. § 102(e) Rejections

Examiner rejected claims 1-19 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,741,837 (hereinafter “Nakano”). The Applicant respectfully disagrees and submits the following in support of his position.

As understood by the Applicants, Nakano teaches a method of the base station halting communication from interfering mobile stations. See Col. 6 Lines 52-54, and Col. 7 Lines 24-26. Nakano does not teach or suggest “based on the determination, assigning a first band-edge channel for communication between the first communication device and the second communication device,” as required by claim 1. Therefore, claim 1 is allowable over Nakano. Claims 2-17 depend on allowable claim 1 adding further limitations, and are therefore also allowable over Nakano.

Claims 18 and 19 have been canceled. New claim 20 includes limitations similar to those of allowable claim 1, and is therefore allowable over Nakano for

the same reasons. Claim 21 depends on allowable claim 20 adding further limitations, and is therefore also allowable over Nakano.

CONCLUSION

Applicant(s) respectfully submit the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Adam Furst at (408) 947-8200.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: 11/21/05



Adam Furst
Reg. No. 51,710

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026
(408) 720-8300